

REMARKS

In the Office Action,¹ the Examiner rejected claims 1, 7, and 8 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter; rejected claims 1-6, 8, and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite; and rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,379,548² to Revital et al. ("*Revital*") in view of U.S. Publication No. 2002/0001386 to Akiyama ("*Akiyama*").

By this Amendment, Applicants amend claims 2, 5, 7, and 8, and cancel claims 1, 6, and 9 without prejudice or disclaimer of the subject matter thereof. Claims 2-5, 7, and 8 are pending. The rejections of claims 1, 6, and 9 are rendered moot by the cancellation of these claims.

Applicants respectfully traverse the rejection of claims 7 and 8 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter.

The Examiner alleges that the method of claim 7 is not tied to a particular machine. Office Action at 3. This is incorrect. However, to advance prosecution, Applicants amend claim 7 to recite "[a] computer-implemented method" and "a processor." For at least these reasons, the method of claim 7 is tied to a particular machine. Therefore, claim 7 recites statutory subject matter.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² Although the Office Action cites U.S. Patent No. 7,379,548, the Examiner informed Applicants' representative via telephone on April 29, 2009, that the §103 rejection is actually based on U.S. Patent No. 7,379,548.

The Examiner further alleges that claim 8 “cannot be classified as a process or a manufacture” because “[t]he first half of the preamble is directed to . . . medium” and then “the preamble . . . changes the focus to ‘the method.’” Office Action at 3. In response, Applicants respectfully submit that “[t]he question of whether a claim encompasses statutory subject matter should not focus on which of the four categories of subject matter a claim is directed to . . . provided the subject matter falls into at least one category of statutory subject matter.” M.P.E.P. § 2106(IV)(B) (quoting *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1375 (Fed. Cir. 1998)). Moreover, “mixed attributes, although potentially confusing as to which category of patentable subject matter the claim belongs, do[] not affect the [§ 101] analysis.” *Id.* Nonetheless, to advance prosecution, Applicants amend claim 8 to recite “[a] computer-readable medium containing instructions that are executed by a computer to perform a method for processing content.” For at least these reasons, claim 8 recites statutory subject matter.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 7 and 8 under 35 U.S.C. § 101.

Applicants respectfully traverse the rejection of claims 2-5 and 8 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner alleges that these claims are indefinite for several reasons. Office Action at 4. Although Applicants disagree with the Examiner’s allegations, to advance prosecution, Applicants have amended these claims to address the Examiner’s concerns. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 2-5 and 8 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 2-5, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over *Revital* in view *Akiyama*.

Independent claim 2, as amended, recites an information processing apparatus, wherein "the second acquisition means acquires, during the reproduction of a first content, the second license which prescribes the second utilization condition of a second content distributed subsequent to the first content, and . . . the second content is reproduced subsequent to the first content."

According to claim 2, "a second content [is] distributed subsequent to the first content" and "the second content is reproduced subsequent to the first content," but "the second license which prescribes the second utilization condition of [the] second content" is "acquire[d] during the reproduction of [the] first content." (Emphasis added.) The prior art fails to disclose or suggest these features of claim 2.

Revital discloses that "[t]he ECM . . . contains the necessary information to . . . access a particular . . . content" and "the ECM contains a control word that is required to access the protected content." *Revital*, col. 12, ll. 63-67. Furthermore, *Revital* discloses that "the protected content is . . . transmitted to recipient module . . . with the ECM" because "the requirements of standards such as MPEG . . . protocols . . . require the ECM to be sent with the content itself." *Id.*, col. 13, ll. 39-45. However, *Revital* fails to disclose that an ECM for a protected content is transmitted during the reproduction of a previous content. Therefore, *Revital* fails to teach or suggest "acquir[ing], during the reproduction of a first content, the second license which prescribes the second utilization condition of a second content distributed subsequent to the first content," as recited in claim 2.

Akiyama discloses "receiving broadcasted key information . . . required to decrypt the contents information." *Akiyama*, abstract. However, *Akiyama* fails to disclose or suggest receiving broadcasted key information during reproduction of previous contents information. Therefore, *Akiyama* fails to teach or suggest "acquir[ing], during the reproduction of a first content, the second license which prescribes the second utilization condition of a second content distributed subsequent to the first content," as recited in claim 2. *Akiyama* thus fails to cure the deficiencies of *Revital*.

For at least the foregoing reasons, a *prima facie* case of obviousness has not been established with respect to claim 2. Independent claims 7 and 8, although different in scope from claim 2, are allowable for at least the same reasons as claim 2. Dependent claims 3-5 are allowable at least due to their dependence from allowable independent claim 2. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 2-5, 7, and 8 under 35 U.S.C. § 103(a).


In view of the foregoing, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Peter C. Yi
Reg. No. 61,790
202.408.4485